IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

Case No. 01-709 DWF/SRN

AFFIDAVIT OF CYNTHIA P. ARENDS IN SUPPORT OF DEFENDANT'S REPLY MEMORANDUM

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Cynthia P. Arends, being first duly sworn, states:

1. I am an attorney with the law firm of Halleland Lewis Nilan Sipkins & Johnson, P.A. I am one of the attorneys representing Starkey Laboratories, Inc. in this action.

2. Attached hereto as Exhibit A is a true and correct copy of parts of the government's responses to defendant's FOIA requests labeled GSA 1232-40, 44.

3. Attached hereto as Exhibit B is a true and correct copy of 48 CFR 504.803 (1993).

4. Attached hereto as Exhibit C are true and correct copies of the following unpublished cases:

United States ex rel. Capella v. United Tech. Corp., 1999 WL 464536 at *10 (D. Conn. 1999);
United States v. Rogers, 2001 WL 818160 at *4 (E.D. Tenn. 2001);
GSBCA No. 3628, 1972 WL 1553 (G.S.B.C.A. 1972); and

Heaven & Earth, Inc. v. Wyman Prop. Ltd P'ship, 2003 WL 22680935 at *3 (D. Minn. 2003).

Further affiant sayeth not.

s/Cynthia P. Arends
Cynthia P. Arends

Subscribed and sworn to before
me this 9th day of July, 2004.

s/Therese Sutton Matykiewicz
Notary Public
Notary Commission Expires: January 31, 2005.